

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

**TITAN TIRE CORPORATION OF
FREEPORT,**

Plaintiff/Counter-Defendant,

V.

**UNITED STEELWORKERS OF AMERICA,
LOCAL 745L,**

Defendant/Counter-Plaintiff.

Case No. 3:08 C 50014

Magistrate P. Michael Mahoney
Presiding Judge

MOTION OF USW LOCAL 745L FOR SUMMARY JUDGMENT

Defendant/Counter-Plaintiff USW Local 745L hereby moves for summary judgment in this case. These are the reasons for the motion:

1. The Plaintiff, Titan Tire, has brought this action to vacate a labor arbitration award. The Defendant, USW Local 745L, has counterclaimed to enforce the award.
2. This court has only limited authority to vacate a labor arbitration award. It may only do so if the award unambiguously demonstrates that the arbitrator did not construe the contract in reaching his or her decision. The award in this case demonstrates that the arbitrator carefully considered all of the evidence before him and rendered an award based upon a well-founded construction of the contract.

3. Accordingly, this court should grant summary judgment to the USW and direct the Employer to honor the arbitration award at issue in this case.

Respectfully submitted,

CORNFIELD AND FELDMAN

By: /s/ Stephen A. Yokich
Stephen A. Yokich
Attorney Bar Number 6181707

Dated: April 28, 2008

Attorneys for Defendant/Counter-Plaintiff United
Steel Workers, Local 745L

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CERTIFICATE OF SERVICE

Stephen A. Yokich, an attorney, hereby certifies that on April 28, 2008, he caused the foregoing **Motion of USW Local 745L for Summary Judgment** to be filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Michael R. Lied, Esq.
Tracy C. Litzinger, Esq.
HOWARD & HOWARD
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211 Fulton Street
Peoria, IL 61602-1350

and further certifies that on April 28, 2008, he caused the same document to be served upon the following nonregistered participants by U.S. Mail, first-class postage prepaid and addressed as shown below:

Gene R. La Suer, Esq.
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/s/ Stephen A. Yokich
Stephen A. Yokich